

Case 3:07-cv-00209 Document 37 Filed 10/03/07 Page 1 of 4 PageID #: 93

from traveling to Nashville for her deposition for a period of at least two (2) months. In fact, Mrs. Marden's treating physician has advised that he prefers that she not travel for a full three (3) months following the surgery.

Mrs. Marden and her husband are currently properly noticed for deposition to occur on October 12, 2007, but Mrs. Marden, per her doctor's instruction, will not be able to travel from her home in New Hampshire to attend her deposition until after December 27, 2007 (assuming his preference for a three month moratorium on travel).

Per the Initial Case Management Order, December 3, 2007, is the deadline for party/fact witness depositions (including medical proof). See paragraph "F" of the Initial Case Management Order. Further, a joint mediation report is due to be filed by the parties on or before November 29, 2007. See id. at paragraph "H." Mrs. Marden and her husband are the first noticed depositions in this cause and their testimony could greatly dictate what other witnesses will need to be deposed. Further, counsel for Plaintiffs and Defendant Gaylord have discussed their mutual desire that Mrs. Marden testify first as the primary Plaintiff and person involved in the accident.²

The undersigned counsel has conferred with counsel for Gaylord and they do not oppose the granting of this Motion provided that the same allows for appropriate adjustments of the remaining scheduling deadlines. Plaintiffs will serve a copy of this motion by US mail at pro se Defendant Devery Sims' last known mailing address but have no indication that Mr. Sims will object to the same.

² Further, Defendant Gaylord Entertainment Company's ("Gaylord") busiest time of the year is November, December, and January. Counsel agrees with Gaylord's counsel that, although the parties would certainly work together to schedule the depositions of Gaylord's employees, that the timing could be complicated by the Holiday Season.

Wherefore, premise considered, Plaintiffs move this Court to extend the deposition discovery deadline enumerated in paragraph “F” of the Initial Case Management Order until at least January 31, 2008. The Plaintiffs also respectfully move this Court to extend the deadlines set forth in paragraphs “H” and “I” of the Initial Case Management Order. The parties have agreed to leave the issue of continuing the trial date³ to the Court’s discretion once the final deadlines have been ordered.

This Motion is not set forth to foster undue delay but rather so that justice be done.

Respectfully submitted,

LAW OFFICES OF DAVID C. LEE, PLLC

/s/ David C. Lee

David C. Lee, Esq.

West Bearden Plaza

318 Nancy Lynn Lane, Suite 27

Knoxville, Tennessee 37919

Co-Counsel for Plaintiffs

³ This case is currently set for trial beginning April 8, 2008.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered to the following via the Court's Electronic Filing System on this 3rd day of October, 2007:

Rose P. Cantrell, Esq.
Joel P. Surber, Esq.
PARKER, LAWRENCE, CANTRELL & DEAN
200 Fourth Avenue North, Suite 500
Nashville, TN 37219

I further hereby certify that a true and correct copy of the foregoing document was sent to the following via U. S. Mail, first class, postage prepaid on this 3rd day of October, 2007:

Devery Sims
518 Dover Glen
Antioch, TN 37013

/s/ David C. Lee
David C. Lee